

Mathew K. Higbee, Esq., SBN 11158
HIGBEE & ASSOCIATES
6787 W. Tropicana Ave., Suite 206
Las Vegas, NV 89103
(714) 617-8325
(714) 597-6729 facsimile
Email: mhigbee@higbeeassociates.com

Attorney for Plaintiff,
MICHAEL GRECCO PRODUCTIONS, INC.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS DIVISION**

MICHAEL GRECCO
PRODUCTIONS, INC. d/b/a
MICHAEL GRECCO
PHOTOGRAPHY, INC.,

Plaintiff,

v.

MONICA DODGE aka ANICA
MARTIN d/b/a fashionilluminati.com;
DOES 1 through 10 inclusive,

Defendants.

Case No. 2:17-cv-02313-JCM-NJK

**DECLARATION OF MATHEW K.
HIGBEE IN SUPPORT OF
REQUEST FOR ENTRY OF
DEFAULT**

Filed and Served Concurrently:

1. Request For Entry of Default
2. [Proposed] Entry of Default

DECLARATION OF MATHEW K. HIGBEE

I, Mathew K. Higbee, declare as follows:

1. I am an attorney at law, duly admitted to practice before the Courts of the State of Nevada and the United States District Court for the District of Nevada.

I am the attorney for Plaintiff Michael Grecco Productions, Inc. in the above captioned action.

2. I make this Declaration in support of Plaintiff's request that the Clerk enter default against Defendant Monica Dodge aka Anica Martin d/b/a www.fashionilluminati.com ("Defendant"). I have personal knowledge of the following facts, and, if called as a witness, I could and would testify as follows:

3. This case involves the unlawful use of a photograph on the website fashionilluminati.com.

4. According to the ICANN WHOIS database, www.fashionilluminati.com is registered to Defendant. Attached hereto as Exhibit A is a true and correct copy of the query results of the ICANN WHOIS database showing Defendant is the registered owner of www.fashionilluminati.com.

5. On or about September 11, 2017, one of my associates, Ryan E. Carreon, emailed a courtesy conformed copy of the lawsuit to Defendant at the email listed on the ICANN WHOIS Registrant Contact for www.fashionilluminati.com. Attached hereto as Exhibit B is a true and correct

copy of Mr. Carreon's email to Defendant.

6. On or about October 9, 2017, Defendant was personally served with Summons and Complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure. *See* Docket #7.

7. Defendant was served at 145 E Harmon Ave, Las Vegas Nevada 89109, which is the address listed on the ICANN WHOIS Registrant Contact for www.fashionilluminati.com.

8. On or about October 11, 2017 Mr. Carreon sent a follow up email altering Defendant that failure to respond would result in entry of default. *See* Exhibit B.

9. On or about October 17, 2017, Defendant contacted my office by telephone and stated that she had been served with the lawsuit.

10. On October 26, 2017 a Proof of Service was filed with the Court, and a deadline to files a responsive pleading was set for October 30, 2017. *See* Docket #7.

11. As of the date of this declaration no answer has been filed with the Court on behalf of Defendant, Defendant has made no formal appearance, nor has Defendant otherwise defended herein.

12. I am informed and believe that Defendant is not an infant, nor incompetent and that the Service Members Civil Relief Act of 2003 (50 U.S.C.

App. § 501 et seq.) does not apply. Therefore, Plaintiff requests entry of default against the Defendant Monica Dodge aka Anica Martin d/b/a www.fashionilluminati.com.

I declare under penalty of perjury that the foregoing is true and correct under the laws of the United States of America.

Executed this October 31, 2017, at Santa Ana, California,

/s/ Mathew K. Higbee
Mathew K. Higbee, Esq.
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, the undersigned, say:

I am a citizen of the United States and I am a member of the Bar of this Court. I am over the age of 18 and not a party to the within action.

My business address is 1504 Brookhollow Dr., Ste 113, Santa Ana, California, 92705.

On October 31, 2017, I caused to be served the foregoing **Request for Entry of Default, Declaration of Mathew K. Higbee, and Proposed Entry of Default** on all parties in this action by placing a true copy thereof enclosed in a sealed envelope as follows:

Monica Dodge
145 E. Harmon Ave. #24
Las Vegas, NV 89109

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by via the *CM/ECF* system. Participants in this case who are not registered with the *CM/ECF* system will be served by first-class mail or by other means permitted by the Court.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on October 31, 2017, at Santa Ana, California.

/s/ Mathew K. Higbee
Mathew K. Higbee, Esq.
Counsel for Plaintiff

Exhibit “A”

ICANN WHOIS

Showing results for: FASHIONILLUMINATI.COM

Original Query: fashionilluminati.com

Contact Information

Registrant Contact

Name: Monica Dodge

Organization:

Mailing Address: 145 E Harmon Ave, Las Vegas Nevada 89109 US

Phone: +1.7025958869

Ext:

Fax:

Fax Ext:

Email: anicamartin2012@gmail.com

Admin Contact

Name: Monica Dodge

Organization:

Mailing Address: 2700 s las vegas blvd, Las Vegas Nevada 89109 US

Phone: 7025958869

Ext:

Fax:

Fax Ext:

Email: anicamartin2012@gmail.com

Tech Contact

Name: Monica Dodge

Organization:

Mailing Address: 2700 s las vegas blvd, Las Vegas Nevada 89109 US

Phone: 7025958869

Ext:
Fax:
Fax Ext:
Email:anicamartin2012@gmail.com

Registrar

WHOIS Server: whois.godaddy.com
URL: <http://www.godaddy.com>
Registrar: GoDaddy.com, LLC
IANA ID: 146
Abuse Contact Email: abuse@godaddy.com
Abuse Contact Phone: +1.4806242505

Status

Domain Status:clientTransferProhibited <http://www.icann.org/epp#clientTransferProhibited>
Domain Status:clientUpdateProhibited <http://www.icann.org/epp#clientUpdateProhibited>
Domain Status:clientRenewProhibited <http://www.icann.org/epp#clientRenewProhibited>
Domain Status:clientDeleteProhibited <http://www.icann.org/epp#clientDeleteProhibited>

Important Dates

Updated Date: 2017-07-26
Created Date: 2013-07-25
Registrar Expiration Date: 2018-07-25

Name Servers

NS6375.HOSTGATOR.COM
NS6376.HOSTGATOR.COM

Raw WHOIS Record

Domain Name: FASHIONILLUMINATI.COM
Registry Domain ID: 1817475880_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.godaddy.com
Registrar URL: http://www.godaddy.com
Updated Date: 2017-07-26T13:06:55Z
Creation Date: 2013-07-25T09:56:39Z
Registrar Registration Expiration Date: 2018-07-25T09:56:39Z
Registrar: GoDaddy.com, LLC
Registrar IANA ID: 146
Registrar Abuse Contact Email: abuse@godaddy.com
Registrar Abuse Contact Phone: +1.4806242505
Domain Status: clientTransferProhibited
http://www.icann.org/epp#clientTransferProhibited
Domain Status: clientUpdateProhibited
http://www.icann.org/epp#clientUpdateProhibited
Domain Status: clientRenewProhibited
http://www.icann.org/epp#clientRenewProhibited
Domain Status: clientDeleteProhibited
http://www.icann.org/epp#clientDeleteProhibited
Registry Registrant ID: Not Available From Registry
Registrant Name: Monica Dodge
Registrant Organization:
Registrant Street: 145 E Harmon Ave
Registrant City: Las Vegas
Registrant State/Province: Nevada
Registrant Postal Code: 89109
Registrant Country: US
Registrant Phone: +1.7025958869
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: anicamartin2012@gmail.com
Registry Admin ID: Not Available From Registry
Admin Name: Monica Dodge
Admin Organization:
Admin Street: 2700 s las vegas blvd
Admin City: Las Vegas
Admin State/Province: Nevada
Admin Postal Code: 89109
Admin Country: US
Admin Phone: 7025958869
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: anicamartin2012@gmail.com
Registry Tech ID: Not Available From Registry
Tech Name: Monica Dodge
Tech Organization:
Tech Street: 2700 s las vegas blvd
Tech City: Las Vegas
Tech State/Province: Nevada
Tech Postal Code: 89109
Tech Country: US
Tech Phone: 7025958869

Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: anicamartin2012@gmail.com
Name Server: NS6375.HOSTGATOR.COM
Name Server: NS6376.HOSTGATOR.COM
DNSSEC: unsigned
URL of the ICANN WHOIS Data Problem Reporting System:
<http://wdprs.internic.net/>
>>> Last update of WHOIS database: 2017-10-31T18:00:00Z <<<

For more information on Whois status codes, please visit
<https://www.icann.org/resources/pages/epp-status-codes-2014-06-16-en>

The data contained in GoDaddy.com, LLC's WhoIs database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, LLC. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" section. In most cases, GoDaddy.com, LLC is not the registrant of domain names listed in this database.

Submit a Complaint for WHOIS

[WHOIS Inaccuracy Complaint Form](#)

[WHOIS Service Complaint Form](#)

[WHOIS Compliance FAQs](#)

NOTICE, DISCLAIMERS AND TERMS OF USE:

All results shown are captured from registries and/or registrars and are framed in real-time. ICANN does not generate, collect, retain or store the results shown other than for the transitory duration necessary to show these results in response to real-time queries.* These results are shown for the sole purpose of assisting you in obtaining information about domain name registration records and for no other purpose. You agree to use this data only for lawful purposes and further agree not to use this data (i) to allow, enable, or otherwise support the transmission by email, telephone, or facsimile of mass unsolicited, commercial advertising, or (ii) to enable high volume, automated, electronic processes to collect or compile this data for any purpose, including without limitation mining this data for your own personal or commercial purposes. ICANN reserves the right to restrict or terminate your access to the data if you fail to abide by these terms of use. ICANN reserves the right to modify these terms at any time. By submitting a query, you agree to abide by these terms.

* There is one exception: ICANN acts as the registry operator for the .int TLD, and in that capacity it does collect, generate, retain and store information regarding registrations in the .int TLD.

© 2017 Internet Corporation for Assigned Names and Numbers [Privacy Policy](#)

Exhibit “B”

**2:17-cv-02313**

2 messages

Ryan Carreon <rcarreon@higbeeassociates.com>
To: anicamartin2012@gmail.com

Mon, Sep 11, 2017 at 11:43 AM

Ms. Dodge,

I am an attorney at the Law Offices of Higbee & Associates. Please see the attached lawsuit which has been filed against you. My client wishes to resolve this amicably. However, failure to response may result in a default judgment being entered against you. Please contact me so that we can discuss settling this matter.

Best,
Ryan E. Carreon

Ryan Carreon - Associate Attorney, Copyright Division

Law Offices of Higbee & Associates

<http://www.HigbeeAssociates.com>

1504 Brookhollow Dr. Suite 112

Santa Ana, CA. 92705

Phone: (714) 617-8300

Fax: (714) 597-6729

The information contained in this e-mail is intended only for the personal and confidential use of the designated recipient(s) named above. This message may be an attorney-client communication and, as such, is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail or telephone and delete the original message.

 **20170901 CC Complaint & Exhibits 503929.pdf**
3494K

Ryan Carreon <rcarreon@higbeeassociates.com>
To: Anica Martin <anicamartin2012@gmail.com>

Wed, Oct 11, 2017 at 4:10 PM

Ms. Dodge,

I have been informed by my process server that the complaint has been served in this matter. Your answer is due to the court on October 30. Please contact my office to resolve this. If you are represented by legal counsel, please pass this correspondence on to your counsel and have them contact me directly. Failure to respond will result in a default judgment against you.

Ryan E. Carreon

Ryan E. Carreon - Associate Attorney, Copyright Division

Law Offices of Higbee & Associates

<http://www.HigbeeAssociates.com>

1504 Brookhollow Dr. Suite 112

Santa Ana, CA. 92705

Phone: (714) 617-8300

Fax: (714) 597-6729

The information contained in this e-mail is intended only for the personal and confidential use of the designated recipient(s) named above. This message may be an attorney-client communication and, as such, is privileged and

confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail or telephone and delete the original message.

[Quoted text hidden]